

2005 Senate Bill 181

Date of enactment: **April 19, 2006**

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2005 WISCONSIN ACT 353

AN ACT *to renumber and amend* 951.18 (4) (a) 1.; *to amend* 951.18 (4) (a) 2.; and *to create* 951.01 (5), 951.097, 951.18 (2s), 951.18 (4) (a) 1. a., 951.18 (4) (a) 1. b., 951.18 (4) (a) 1. c., 951.18 (4) (a) 1. d., 951.18 (4) (a) 1. e. and 951.18 (4) (a) 1. f. of the statutes; **relating to:** interfering with the use of, causing injury to, causing the death of, or the theft of a service dog and restitution for offenses relating to service, police, and fire animals and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 951.01 (5) of the statutes is created to read:

951.01 (5) “Service dog” means a dog that is trained for the purpose of assisting a person with a sensory, mental, or physical disability or accommodating such a disability.

SECTION 2. 951.097 of the statutes is created to read:

951.097 **Harassment of service dogs.** (1) (a) Any person may provide notice to another person in any manner that the latter person’s behavior is interfering with the use of a service dog and may request that the latter person stop engaging in that behavior.

(b) No person, after receiving a notice and request under par. (a) regarding a service dog, may do any of the following:

1. Recklessly interfere with the use of the service dog by obstructing or intimidating it or otherwise jeopardizing its safety or the safety of its user.

2. Intentionally interfere with the use of the service dog by obstructing or intimidating it or otherwise jeopardizing its safety or the safety of its user.

(2) (a) No person may recklessly allow his or her dog to interfere with the use of a service dog by obstructing or intimidating it or otherwise jeopardizing its safety or the safety of its user.

(b) No person may intentionally allow his or her dog to interfere with the use of a service dog by obstructing or intimidating it or otherwise jeopardizing its safety or the safety of its user.

(3) (a) No person may recklessly injure a service dog or recklessly allow his or her dog to injure a service dog.

(b) No person may intentionally injure a service dog or intentionally allow his or her dog to injure a service dog.

(4) (a) No person may recklessly cause the death of a service dog.

(b) No person may intentionally cause the death of a service dog.

(5) No person may take possession of or exert control over a service dog without the consent of its owner or user and with the intent to deprive another of the use of the service dog.

SECTION 3. 951.18 (2s) of the statutes is created to read:

* Section 991.11, WISCONSIN STATUTES 2003–04 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

951.18 (2s) Any person who violates s. 951.097 (1) (b) 1. or (2) (a), knowing that the dog that is the victim is a service dog, is guilty of a Class B misdemeanor. Any person who violates s. 951.097 (1) (b) 2., (2) (b), or (3) (a), knowing that the dog that is the victim is a service dog, is guilty of a Class A misdemeanor. Any person who violates s. 951.097 (3) (b) or (4) (a), knowing that the dog that is the victim is a service dog, is guilty of a Class I felony. Any person who violates s. 951.097 (4) (b) or (5), knowing that the dog that is the victim is a service dog, is guilty of a Class H felony.

SECTION 4. 951.18 (4) (a) 1. of the statutes is renumbered 951.18 (4) (a) 1. (intro.) and amended to read:

951.18 (4) (a) 1. (intro.) In this paragraph, "pecuniary loss" ~~has the meaning described in s. 943.245 (1).~~ means any of the following:

SECTION 5. 951.18 (4) (a) 1. a. of the statutes is created to read:

951.18 (4) (a) 1. a. All special damages, but not general damages, including the money equivalent of loss resulting from property taken, destroyed, broken, or otherwise harmed and out-of-pocket losses, such as medical expenses.

SECTION 6. 951.18 (4) (a) 1. b. of the statutes is created to read:

951.18 (4) (a) 1. b. Reasonable out-of-pocket expenses incurred by the victim resulting from the filing of charges or cooperating in the investigation and prosecution of an offense under this chapter.

SECTION 7. 951.18 (4) (a) 1. c. of the statutes is created to read:

951.18 (4) (a) 1. c. Expenses in keeping any animal that is involved in the crime.

SECTION 8. 951.18 (4) (a) 1. d. of the statutes is created to read:

951.18 (4) (a) 1. d. In a case under s. 951.095 or 951.097, the value of a replacement animal, if the affected animal is incapacitated or dead; the cost of training a replacement animal; or the cost of retraining the affected animal. The court shall base any determination of the value of a replacement service dog on the value of the service dog to the user and not on its cost or fair market value.

SECTION 9. 951.18 (4) (a) 1. e. of the statutes is created to read:

951.18 (4) (a) 1. e. In a case under s. 951.095 or 951.097, all related veterinary and care expenses.

SECTION 10. 951.18 (4) (a) 1. f. of the statutes is created to read:

951.18 (4) (a) 1. f. In a case under s. 951.095 or 951.097, the medical expenses of the animal's user, the cost of training the animal's user, and compensation for income lost by the animal's user.

SECTION 11. 951.18 (4) (a) 2. of the statutes is amended to read:

951.18 (4) (a) 2. A sentencing court shall require a criminal violator to pay restitution to a person, including any local humane officer or society or county or municipal pound or a law enforcement officer or conservation warden, for any pecuniary loss suffered by the person as a result of the crime, ~~including expenses in keeping any animal that is involved in the crime.~~ This requirement applies regardless of whether the criminal violator is placed on probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the criminal violator to pay and shall determine the method of payment. Upon the application of any interested party, the court shall schedule and hold an evidentiary hearing to determine the value of any pecuniary loss under this paragraph.
